IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 9584 of 2005(N)

EP.31/2004 of ADDL.DISTRICT COURT (ADHOC), KASARAGOD

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PETITIONER:

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1. P.V.SEBASTIAN, S/O.VARKEY,
   PULIKKATHADAM, KONAKAD, VIA PARAPPA,
   KASARAGOD, PIN-671 533.

2. JOSEPH V.J., S/O.JOSEPH,
   VALAYANPPILLIL HOUSE, KOLUNGAL, VIA-PARAPPA,
   NATTAKKAL, KASARAGOD, PIN-671 533.

BY ADV. SRI.M.SANTHOSHKUMAR

RESPONDENTS:

M/S.MAHARASHTRA APEX CORPORATION LTD.,
MANIPAL, REP. BY ITS G.P.A.HOLDER AND
KASARAGOD BRANCH MANAGER, KASARAGOD.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.9584/2005

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF EXECTUION PETITION 31/04 DATED 31.12.2003

EXT.P2: COPY OF COUNTER IN E.P.31/04 PF 1ST PETITIONER.

EXT.P3; COPY OF COUNTER FILED BY 2ND PETITIONER IN E.P. NO.31/04 BEFORE ADDL. DISTRICT JUDGE, ADHOC 1 KASARAGOD.

EXT.P4: COPY OF ORDER IN E.P. NO.31/04 OF ADDL. DIST. JUDGE, ADHOC 1 KASARAGOD.

/TRUE COPY/

P.A. TO JUDGE

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 9584 of 2005

Dated this the 29th day of June, 2007

JUDGMENT

In this writ petition under Article 227 the petitioners, who are judgment debtors, impugn the order of attachment passed by the Execution Court. Even though notice was ordered as early as on 17.6.2005, the petitioners did not remit process. The learned counsel for the petitioners submits that it was without considering the counter affidavit that the impugned order of attachment was passed. According to the learned counsel for the petitioners, the property which was ordered to be attached was sold by the petitioners long ago. If what the learned counsel submits is true, it is for the present owner of the property to lodge proper claim before the court below. There is no warrant for setting aside the impugned order in this jurisdiction.

The writ petition will stand dismissed.

PIUS C. KURIAKOSE,
JUDGE.

dpk